



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB5121

by Rep. Chapin Rose

SYNOPSIS AS INTRODUCED:

750 ILCS 60/222
750 ILCS 60/401

from Ch. 40, par. 2312-22
from Ch. 40, par. 2314-1

Amends the Illinois Domestic Violence Act of 1986. Provides that in a domestic violence case, upon the request of the petitioner, within 24 hours of the issuance of an order of protection, the clerk shall send a certified copy of the order to each specified health care facility or health care provider that furnished services to any child protected by the order. Provides that the health care provider shall place the order in the child's records. Provides that no health care provider who receives such an order shall allow a respondent access to the records of any child who is protected by the order or any other child of the petitioner. Provides that any person or facility (instead of only any person) that is licensed to administer health care shall not be civilly liable for any act or omission for complying with these provisions.

LRB095 16625 AJO 42656 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Domestic Violence Act of 1986 is
5 amended by changing Sections 222 and 401 as follows:

6 (750 ILCS 60/222) (from Ch. 40, par. 2312-22)

7 Sec. 222. Notice of orders.

8 (a) Entry and issuance. Upon issuance of any order of
9 protection, the clerk shall immediately, or on the next court
10 day if an emergency order is issued in accordance with
11 subsection (c) of Section 217, (i) enter the order on the
12 record and file it in accordance with the circuit court
13 procedures and (ii) provide a file stamped copy of the order to
14 respondent, if present, and to petitioner.

15 (b) Filing with sheriff. The clerk of the issuing judge
16 shall, or the petitioner may, on the same day that an order of
17 protection is issued, file a certified copy of that order with
18 the sheriff or other law enforcement officials charged with
19 maintaining Department of State Police records or charged with
20 serving the order upon respondent. If the order was issued in
21 accordance with subsection (c) of Section 217, the clerk shall
22 on the next court day, file a certified copy of the order with
23 the Sheriff or other law enforcement officials charged with

1 maintaining Department of State Police records.

2 (c) Service by sheriff. Unless respondent was present in
3 court when the order was issued, the sheriff, other law
4 enforcement official or special process server shall promptly
5 serve that order upon respondent and file proof of such
6 service, in the manner provided for service of process in civil
7 proceedings. Instead of serving the order upon the respondent,
8 however, the sheriff, other law enforcement official, or
9 special process server may serve the respondent with a short
10 form notification as provided in Section 222.10. If process has
11 not yet been served upon the respondent, it shall be served
12 with the order or short form notification. A single fee may be
13 charged for service of an order obtained in civil court, or for
14 service of such an order together with process, unless waived
15 or deferred under Section 210.

16 (c-5) If the person against whom the order of protection is
17 issued is arrested and the written order is issued in
18 accordance with subsection (c) of Section 217 and received by
19 the custodial law enforcement agency before the respondent or
20 arrestee is released from custody, the custodial law
21 enforcement agent shall promptly serve the order upon the
22 respondent or arrestee before the respondent or arrestee is
23 released from custody. In no event shall detention of the
24 respondent or arrestee be extended for hearing on the petition
25 for order of protection or receipt of the order issued under
26 Section 217 of this Act.

1 (d) Extensions, modifications and revocations. Any order
2 extending, modifying or revoking any order of protection shall
3 be promptly recorded, issued and served as provided in this
4 Section.

5 (e) Notice to schools. Upon the request of the petitioner,
6 within 24 hours of the issuance of an order of protection, the
7 clerk of the issuing judge shall send written notice of the
8 order of protection along with a certified copy of the order of
9 protection to the day-care facility, pre-school or
10 pre-kindergarten, or private school or the principal office of
11 the public school district or any college or university in
12 which any child who is a protected person under the order of
13 protection or any child of the petitioner is enrolled. If the
14 child transfers enrollment to another day-care facility,
15 pre-school, pre-kindergarten, private school, public school,
16 college, or university, the petitioner may, within 24 hours of
17 the transfer, send to the clerk written notice of the transfer,
18 including the name and address of the institution to which the
19 child is transferring. Within 24 hours of receipt of notice
20 from the petitioner that a child is transferring to another
21 day-care facility, pre-school, pre-kindergarten, private
22 school, public school, college, or university, the clerk shall
23 send written notice of the order of protection, along with a
24 certified copy of the order, to the institution to which the
25 child is transferring.

26 (f) Disclosure by schools. After receiving a certified copy

1 of an order of protection that prohibits a respondent's access
2 to records, neither a day-care facility, pre-school,
3 pre-kindergarten, public or private school, college, or
4 university nor its employees shall allow a respondent access to
5 a protected child's records or release information in those
6 records to the respondent. The school shall file the copy of
7 the order of protection in the records of a child who is a
8 protected person under the order of protection. When a child
9 who is a protected person under the order of protection
10 transfers to another day-care facility, pre-school,
11 pre-kindergarten, public or private school, college, or
12 university, the institution from which the child is
13 transferring may, at the request of the petitioner, provide,
14 within 24 hours of the transfer, written notice of the order of
15 protection, along with a certified copy of the order, to the
16 institution to which the child is transferring.

17 (g) Notice to health care facilities and health care
18 practitioners. Upon the request of the petitioner, within 24
19 hours of the issuance of an order of protection, the clerk of
20 the issuing judge shall send written notice of the order of
21 protection along with a certified copy of the order of
22 protection to any specified hospital, long term care facility,
23 ambulatory surgical services center, blood bank, clinical
24 laboratory, other type of health care facility, or health care
25 practitioner from which any child who is a protected person
26 under the order of protection or any other child of the

1 petitioner has received health care services. This notice shall
2 include a copy of subsection (h) and specific identification of
3 the name of the respondent. If the child seeks services from
4 another health care facility or health care practitioner, the
5 petitioner may send to the clerk written notice of the new
6 health care facility or health care practitioner, including the
7 name and address of the new health care facility or health care
8 practitioner. Within 24 hours of receipt of notice from the
9 petitioner that a child is seeking services from another health
10 care facility or health care practitioner, the clerk shall send
11 written notice of the order of protection, along with a
12 certified copy of the order and a copy of subsection (h), to
13 the new health care facility or health care practitioner from
14 which the child is seeking services.

15 (h) Disclosure by health care facilities and health care
16 practitioners. After receiving a certified copy of an order of
17 protection that prohibits a respondent's access to records, no
18 health care facility or health care practitioner shall allow a
19 respondent access to the records of any child who is a
20 protected person under the order of protection or any other
21 child of the petitioner or release information in those records
22 to the respondent. The health care facility or health care
23 practitioner shall file the copy of the order of protection in
24 the records of a child who is a protected person under the
25 order of protection.

26 (Source: P.A. 92-90, eff. 7-18-01; 92-162, eff. 1-1-02; 92-651,

1 eff. 7-11-02.)

2 (750 ILCS 60/401) (from Ch. 40, par. 2314-1)

3 Sec. 401. Any person who is licensed, certified or
4 otherwise authorized by the law of this State to administer
5 health care in the ordinary course of business or practice of a
6 profession shall offer to a person suspected to be a victim of
7 abuse immediate and adequate information regarding services
8 available to victims of abuse.

9 Any person or facility that ~~who~~ is licensed, certified or
10 otherwise authorized by the law of this State to administer
11 health care in the ordinary course of business, or practice of
12 a profession and who in good faith offers to a person suspected
13 to be a victim of abuse information regarding services
14 available to victims of abuse shall not be civilly liable for
15 any act or omission of the agency providing those services to
16 the victims of abuse or for the inadequacy of those services
17 provided by the agency or for complying with subsection (g) or
18 (h) of Section 222.

19 (Source: P.A. 87-436.)